

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

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|--|---|---------------------------|
| CRAIG PITTMAN and KELLY KONACK PITTMAN, | § | |
| | § | |
| Plaintiffs, | § | |
| | § | |
| v. | § | No. 3:14-CV-3852-M |
| | § | |
| SETERUS INC., ET AL., | § | |
| | § | |
| Defendants. | § | |
| | § | |
| v. | § | |
| | § | |
| CRAIG PITTMAN and KELLY KONACK PITTMAN, | § | |
| | § | |
| Counter-Defendants. | § | |

RECOMMENDATION RE: NON-PRISONER'S IFP STATUS ON APPEAL
(For *pro se* non-PLRA appeals)

Before the Court are a Notice of Appeal and a Request to Proceed *In Forma Pauperis* on Appeal.

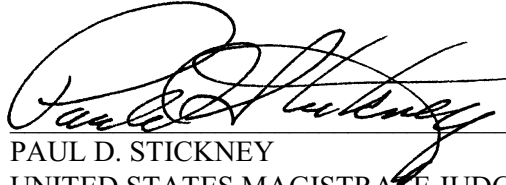
The Magistrate Judge, having considered the issue, recommends as follows:

- () the party appealing should be GRANTED leave to proceed *in forma pauperis*.
- () the party appealing is proceeding *in forma pauperis*.
- (X) the party appealing should be DENIED leave to proceed *in forma pauperis* for the following reason(s):
 - (X) the court recommends that the District Court certify, pursuant to Fed. R. App. P. 24(a) and 28 U.S.C. § 1915(a)(3), that the appeal is not taken in good faith. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (an appeal is not taken in good faith when it fails to present non-frivolous issues).
 - () the person appealing is not a pauper;
 - () the person appealing has not complied with the requirements of Rule 24 of the Federal Rules of Appellate Procedure and/or 28 U.S.C. § 1915(a)(1) as ordered by the Court. (See Notice of Deficiency and Order filed on _____).

Although this appeal should be certified as not taken in good faith under 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3), the plaintiff may challenge this finding by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court,

U.S. Court of Appeals for the Fifth Circuit, within 30 days of this Order.

SIGNED this 18th day of February, 2016.



PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE